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EXAMINER	
ANYA, CHARLES E	
ART UNIT	**PAPER NUMBER**
2194	

SHORTENED STATUTORY PERIOD OF RESPONSE	NOTIFICATION DATE	DELIVERY MODE
3 MONTHS	04/10/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Notice of this Office communication was sent electronically on the above-indicated "Notification Date" and has a shortened statutory period for reply of 3 MONTHS from 04/10/2007.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

lhptoms@leehayes.com

Office Action Summary	Application No.	Applicant(s)	
	10/694,080	RELYEA	
	Examiner	Art Unit	
	Charles E. Anya	2194	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3/ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 October 2003*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-52* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-52* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☒ Claim(s) *53-58* are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *12/31/04; 3/10/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. Claims 1-52 are pending in this application.

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-52, drawn to runtime/dynamic generation of graphical interface and graphical interface component using application programming interface, classified in class 719, subclass 328.

II. Claims 53-58, drawn to development of graphical interface and graphical interface component, classified in class 717, subclass 100.

3. Inventions Group I and Group II are related as subcombinations disclosed as usable together in a single combination. Group I is drawn to runtime/dynamic generation of graphical interface and graphical interface component using application programming interface, while Group II is drawn to development of graphical interface and graphical interface component. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, inventions Group I and Group II has separate utility such as the search for Group I invention is not required for Group II invention and vice versa. See MPEP § 806.05(d).

During a telephone conversation with Mr. Nathan Grebasch on March 20, 2007 a provisional election was made without traverse to prosecute the invention of Group I,

claims 1-52. Affirmation of this election must be made by applicant in replying to this Office action. Claims 53-58 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 101

4. **Claims 1-32,34-42 and 44-52 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.**

The current focus of the Patent Office in regard to statutory inventions under 35 U.S.C. § 101 for method claims and claims that recite a judicial exception (software) is that the claimed invention recite a practical application. Practical application can be provided by a physical transformation or a useful, concrete and tangible result. No physical transformation is recited and additionally, for instance, the final result of claim 1 are generating graphical components and formatting contents, which are not tangible results because neither a practical application is claimed or final result available for use. This rejection is applicable to claims 1-32,34-42 and 44-52.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-8,12,14-39 and 41-52 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Pub. No. 2002/0054046 A1 to Evans et al.

6. As to claim 1, Evans teaches a programming interface embodied on one or more computer readable media, comprising: a first group of services related to generating graphical components ("...visual elements..." page 5 paragraph 0046, "...instance of OK button 200 be created..." page 5 paragraph 0048); a second group of services related to binding properties of a class to a data source ("...handle..." page 6 paragraph 0060); and a third group of services related to formatting content ("..."DrawThemeText"..." page 6 paragraphs 0053/0054, "..."GetThemeExtent"..." page 6 paragraph 0055).

7. As to claim 2, Evans teaches a programming interface as recited in claim 1, wherein the first group of services includes a service that determines an appearance of

the graphical components ("...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

8. As to claim 3, Evans teaches a programming interface as recited in claim 1, wherein the first group of services includes a service that determines a behavior of the graphical components ("...drawing code..." page 5 paragraph 0048).

9. As to claim 4, Evans teaches a programming interface as recited in claim 1, wherein the first group of services includes a service that determines an arrangement of the graphical components ("...location..." page 5 paragraphs 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054).

10. As to claim 5, Evans teaches programming interface as recited in claim 1, wherein the first group of services includes a plurality of nested primitive controls that define the graphical components ("...button..."start button"..." page 6 paragraph 0060).

11. As to claim 6, Evans teaches a programming interface as recited in claim 1, wherein the graphical components are defined by vector graphics ("..."DrawThemeLine"..." page 6 paragraph 0057, "...vector definition language..." page 8 paragraph 0074).

12. As to claim 7, Evans teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to animating at least one graphical component ("..."DrawThemeIcon"..." page 6 paragraph 0058, "...cartoon theme, a children's theme or golf theme..." page 8 paragraph 0075).

13. As to claim 8, Evans teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to creating applications having navigation capabilities (figure 3 page 5 paragraph 0047).

14. As to claim 12, Evans teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to automatically installing and executing an application (Libraries 208/210 page 5 paragraph 0048).

15. As to claim 14, Evans teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to automating the generation of a user interface (Libraries 208/210 page 5 paragraph 0048).

16. As to claim 15, see the rejection of claim 1 above.

17. As to claim 16, Evans teaches a programming interface embodied on one or more computer readable media, comprising: a first group of services related to formatting content prior to displaying the content ("..."GetThemeExtent"..." page 6

paragraph 0055); a second group of services related to binding properties of a class to a data source ("...handle..." page 6 paragraph 0060); and a third group of services related to generating imaging effects ("... "GetThemeBackgroundRegion"..." page 6 paragraph 0056).

18. As to claim 17, Evans teaches a programming interface as recited in claim 16, wherein the first group of services includes arranging a plurality of data elements ("...location..." page 5 paragraphs 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054).

19. As to claim 18, Evans teaches a programming interface as recited in claim 16, wherein the third group of services includes animating at least one graphical item ("..."DrawThemeIcon"..." page 6 paragraph 0058).

20. As to claim 19, Evans teaches programming interface as recited in claim 16, further comprising a fourth group of services related to creating applications that allow a user of the application to navigate between a plurality of images (figure 3 page 5 paragraph 0047).

21. As to claim 20, Evans teaches a programming interface as recited in claim 16, further comprising a fourth group of services related to editing previously created

content ("...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

22. As to claim 21, Evans teaches a programming interface as recited in claim 16, further comprising a fourth group of services related to managing input received from an input device ("...visually changed to better suit the desire of the computer user..." page 5 paragraph 0047, "...request..." page 5 paragraph 0048, "...requested..." page 6 paragraph 0054).

23. As to claim 22, Evans teaches a programming interface as recited in claim 16, further comprising a fourth group of services related to enabling interoperability with other computing systems (page 5 paragraph 0043).

24. As to claim 23, Evans teaches a computer system including one or more microprocessors and one or more software programs, the one or more software programs utilizing an application program interface to request services from an operating system (Application 138/139 page 5 paragraphs 0048/0049), the application program interface including separate commands to request services comprising the following groups of services (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053): a first group of services related to generating graphical objects ("...DrawThemeBackground"..." page 6 paragraphs 0053/0054); a second group of services related to creating components of the graphical objects ("...display of an OK

button 200..." page 5 paragraphs 0048/0049); and a third group of services related to modifying an appearance of the graphical objects ("...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

25. As to claim 24, Evans teaches a computer system as recited in claim 23, wherein the first group of services includes a service for defining a behavior of at least one graphical object ("...drawing code..." page 5 paragraph 0048).

26. As to claim 25, Evans teaches a computer system as recited in claim 23, wherein the first group of services includes a service for defining arrangement of the graphical objects ("...location..." page 5 paragraphs 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054).

27. As to claim 26, Evans teaches a computer system as recited in claim 23, wherein modifying an appearance of the graphical objects includes animating the graphical objects ("..."DrawThemeIcon"..." page 6 paragraph 0058).

28. As to claim 27, Evans teaches a computer system as recited in claim 23, wherein the second group of services includes services to generate geometric shapes (OK Button 200/Cancle Button 202/Apply Button 204 page 5 paragraph 0047).

29. As to claim 28, Evans teaches a computer system as recited in claim 23, wherein the application program interface further includes a fourth group of services related to formatting text ("...font..." page 5 paragraph 0047, "..."DrawThemeText"..." page 6 paragraphs 0053/0054, "..."GetThemeTextExtent"..." page 6 paragraph 0055).

30. As to claim 29, Evans teaches a method comprising: calling one or more first functions to facilitate formatting data ("..."DrawThemeText"..." page 6 paragraphs 0053/0054); calling one or more second functions to facilitate creating graphical objects ("...DrawThemeBackground"..." page 6 paragraphs 0053/0054); and calling one or more third functions to facilitate changing an appearance of the graphical objects ("...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

31. As to claim 30, Evans teaches a method as recited in claim 29, further including calling one or more fourth functions to facilitate generating a user interface using a plurality of graphical objects ("..."DrawThemeBackground"..." page 6 paragraphs 0053/0054).

32. As to claim 31, Evans teaches a method as recited in claim 29, further including calling one or more fourth functions to facilitate runtime creation of a user interface (Libraries 208/210 page 5 paragraph 0048).

33. As to claim 32, Evans teaches a method as recited in claim 29, further including: calling one or more fourth functions to facilitate generating a user interface using a plurality of graphical objects ("..."DrawThemeBackground"..." page 6 paragraphs 0053/0054); and calling one or more fifth functions to facilitate runtime creation of the user interface (Libraries 208/210 page 5 paragraph 0048).

34. As to claim 33, Evans teaches a method as recited in claim 29, wherein the first functions facilitate: receiving user input ("...request..." page 5 paragraph 0048, "...requested..." page 6 paragraph 0054, page 9 paragraphs 0082/0083); and arranging data elements on a display ("...location..." page 5 paragraph 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054).

35. As to claim 34, Evans teaches a method as recited in claim 29, wherein the second functions facilitate generating geometric shapes (Ok Button 200/Cancle Button 202/Apply Button 204 page 5 paragraph 0047).

36. As to claim 35, Evans teaches a method as recited in claim 29, wherein the second functions facilitate generating at least one geometric shape and the third functions facilitate modifying an appearance of the geometric shape ("...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

37. As to claim 36, Evans teaches a system comprising: means for exposing a first set of functions that enable creating a plurality of geometric shapes (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, Drawing APIs 218 page 6 paragraphs 0052-0055); means for exposing a second set of functions that enable changing the manner in which the geometric shapes are arranged (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...location..." page 5 paragraphs 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054); and means for exposing a third set of functions that enable modifying appearances of the geometric shapes (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

38. As to claim 37, Evans teaches a system as recited in claim 36, wherein the second set of functions further enable arrangement of the geometric shapes on a page to be rendered ("...location..." page 5 paragraphs 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054).

39. As to claim 38, Evans teaches a system as recited in claim 36, wherein the plurality of geometric shapes include a line ("..."DrawThemeLine"..." page 6 paragraph 0057).

40. As to claim 39, Evans teaches a system as recited in claim 36, wherein the third set of functions further enable associating imaging effects with at least one geometric shape ("...region..." page 6 paragraph 0056).

41. As to claim 41, Evans teaches a system as recited in claim 36, further comprising means for exposing a fourth set of functions that enable generation of a user interface using the plurality of geometric shapes (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053).

42. As to claim 42, Evans teaches a system as recited in claim 36, further comprising means for exposing a fourth set of functions that enable associating a graphical object with one or more data sources ("...handle..." page 6 paragraph 0060).

43. As to claim 43, Evans teaches a system as recited in claim 36, further comprising means for exposing a fourth set of functions that enable displaying data-specific versions of graphical objects ("...variety of different themes..." page 3 paragraphs 0022/0033).

44. As to claim 44, Evans teaches a method comprising: calling one or more first functions to facilitate creating components of graphical objects (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, Drawing APIs 218 page 6 paragraphs 0052-0055); calling one or more second functions to facilitate generating graphical objects (Libraries

208/210 page 5 paragraphs 0048/0049/0051-0053, "..."DrawThemeBackground"..." page 6 paragraphs 0053/0054); calling one or more third functions to facilitate modifying an appearance of the graphical objects (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047); calling one or more fourth functions to facilitate arranging the graphical objects (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...location..." page 5 paragraphs 0049/0050, "..."GetThemeBackgroundContentRect"..." page 6 paragraph 0054); and calling one or more fifth functions to facilitate associating the graphical objects with data sources ("...handle..." page 6 paragraph 0060).

45. As to claim 45, Evans teaches a method as recited in claim 44, further comprising calling one or more sixth functions to facilitate navigating between a plurality of displays of content (figure 3 page 5 paragraph 0047).

46. As to claim 46, Evans teaches a method as recited in claim 44, wherein the components of the graphical objects include a plurality of shapes (OK Button 200/Cancel Button 202/Apply Button 204 page 5 paragraph 0047).

47. As to claim 47, Evans teaches a method as recited in claim 44, wherein the second functions further facilitate generating a graphical user interface ("..."DrawThemeBackground"..." page 6 paragraphs 0053/0054).

48. As to claim 48, Evans teaches a method as recited in claim 44, wherein the third functions include functions that modify the appearance of a particular graphical object (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

49. As to claim 49, Evans teaches method as recited in claim 44, wherein the third functions include functions that modify the appearance of one or more components of a graphical object (Libraries 208/210 page 5 paragraphs 0048/0049/0051-0053, "...appearance of the controls to be altered...modification..." page 5 paragraph 0047).

50. As to claim 50, Evans teaches a method as recited in claim 44, wherein the third functions include functions that move graphical objects to different positions on a display ("...cartoon theme, a children's theme or golf theme..." page 8 paragraph 0075, "..."MoveWindow()"..." page 10 paragraph 0090).

51. As to claim 51, Evans teaches a method as recited in claim 44, wherein the third functions modify an appearance of a graphical object in response to user input ("...request..." page 5 paragraph 0048, "...requested..." page 6 paragraph 0054, page 9 paragraphs 0082/0083).

52. As to claim 52, Evans teaches a method as recited in claim 44, wherein the fourth functions modify an arrangement of graphical objects in response to user input ("...request..." page 5 paragraph 0048, "...requested..." page 6 paragraph 0054, page 9 paragraphs 0082/0083).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

53. Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0054046 A1 to Evans et al. in view of U.S. Pub. No. 2003/0093419 A1 to Bangalore et al.

54. As to claim 9, Evans is silent with reference to a programming interface as recited in claim 1, further comprising a fourth group of services related to supporting electronic ink processing systems.

Bangalore teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to supporting electronic ink processing systems (Gesture and Handwriting Recognition Agents 56/58 page 4 paragraphs 0083/0084).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Evans with the teaching of Bangalore because the teaching of Bangalore would improve the system of Evans by providing a flexible user interface that combines speech, gesture recognition, handwriting recognition, multi-modal understanding, dynamic map and dialog management (Bangalore page 3 paragraph 0056).

55. As to claim 10, Bangalore teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to combining a plurality of different media types ("...combination of user inputs..." page 3 paragraphs 0056-0059).

56. Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0054046 A1 to Evans et al. in view of U.S. Pub. No. 2003/0184590 A1 to Will.

57. As to claim 11, Evans is silent with reference to a programming interface as recited in claim 1, further comprising a fourth group of services related to executing applications on a client using a browser-type interface.

Will teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to executing applications on a client using a browser-type interface ("...web browser software..." page 8 paragraph 0114).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Evans with the teaching of Will because the teaching of Will would improve the system of Evans by providing a software application that enables a user to display and interact with text, images, and other information typically located on a web page at a website on the World Wide Web or a local area network.

58. As to claim 13, Will teaches a programming interface as recited in claim 1, further comprising a fourth group of services related to serializing content (Serializer 903 page 7 paragraph 0108).

59. Claim 40 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pub. No. 2002/0054046 A1 to Evans et al. in view of U.S. Pat. No. 6,353,451 B1 to Teibel et al.

60. As to claim 40, Evans is silent with reference to a system as recited in claim 36, wherein the third set of functions further enable changing an appearance of a particular geometric shape over a period of time.

Teibel teaches a system as recited in claim 36, wherein the third set of functions further enable changing an appearance of a particular geometric shape over a period of time ("...period of time..." Col. 3 Ln. 15 – 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Evans with the teaching of Teibel because the teaching of Teibel would improve the system of Evans by making a user interface easier to use by overcoming the confusion caused by inadequate design cues relating to active and inactive windows (Teibel Col. 1 Ln. 43 – 46).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E. Anya whose telephone number is 571-272-3757. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Thomson can be reached on 571-272-3718. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

cea.

WILLIAM THOMSON
SUPERVISORY PATENT EXAMINER